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## Books Reviewed

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AERIAL HIJACKING AS AN INTERNATIONAL CRIME. By Nancy Douglas Joyner, Dobbs Ferry, New York: Oceana Publications, Inc., 1974. 344 pp. \$17.50.

Joyner's work analyzes the development of aerial hijacking to the status of an international crime. By way of introduction, she summarizes the crime of piracy as evolved through customary international law and points out the inadequacies of the concept in dealing with the twentieth century innovation of aerial "piracy." She then discusses the legislative responses of the world community--the conventions of Tokyo, The Hague and Montreal. These conventions are analyzed and statistical data is presented on all known aircraft hijacking incidents to determine the degree of state compliance with the Tokyo and Hague Conventions.

This book is recommended to both those with a beginning interest in the field of international law and those international lawyers desiring an exhaustive survey of one of its specific areas. The book is comprehensive, but not overly technical. Charts, tables, and explanatory footnotes supplement the text. The text is a splendid blend of scholarly research and vivid narrative certain to keep anyone's interest.

Guy Hoadley

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SMOKING AND POLITICS--POLICYMAKING AND THE FEDERAL BUREAUCRACY. By A. Lee Fritschler.

The continuing controversy over the regulation of cigarette advertising is hardly a model example of the role of bureaucracy as a policy initiator and policymaker in modern society, but Mr. Fritschler makes effective use of the controversy in this introduction to the role of bureaucracy in contemporary legislation. The relative familiarity and simplicity of the smoking controversy as an example forces Mr. Fritschler to intermittently depart from his narrative in order to give the reader a fuller appraisal of the functions of bureaucracy in general, for the systems he is explaining are more appropriate to a climate involving matters of technical complexity and obscure special interests. The virtue in his approach is that as a teaching material it benefits immensely from the immediacy of its impact on the most casual political observer.

Concentrating on the time when the traditional procedures for resolving conflicts changed and a coalition including the federal bureaucracy and assorted special interest groups arose against the tobacco subsystem, this book is entertaining in a manner more traditional teaching materials cannot be. Mr. Fritschler is at his best when he probes and delineates those points in the policymaking system where policy determinations can be most effectively influenced, presenting a clear and engaging view of the role of bureaucracy in the political struggle that the student will appreciate.

Gene Turnbull

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THE NEW LAW BOOKS

FEDERAL COURTS, CASES AND MATERIALS. By David P. Currie, Professor of Law, University of Chicago. St. Paul: West Publishing Co., 1975. Second Edition. 1040 pp.

There are several books widely used in the teaching of federal courts. Hart and Wechsler's second edition of their casebook has 1657 pages of materials. It is probably too long and contains some outdated material. McCormick, Chadbourn and Wright's casebook (776 pages) is now five years old and, even with an annual supplement, not up to date. Currie's casebook, at 1040 pages, has a fully sufficient amount of material for an adequate course in the subject. It is also the most up to date book on a subject which is quite active in substantive areas. If a teacher is committed to using the case method in this course, he is well advised to use this volume. The format follows the Hart and Wechsler approach. The comments are well written. If a teacher is disenchanted with the case method for this course (too many students view this course as a review of first year procedure, which it is not, and are bored with briefing, which is understandable), his attention is directed to Merrill and problems book. It is a sensible approach. For supplementary reading, Wright's text is relatively current and lucid.

Dennis J. Owens

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AGENCY. By W. Edward Sell. Mineola, New York: Foundation Press, 1975. 226 pp.

Law School curricula reflects trends in modern practice,

but practice also reflects the curricula. Agency has been squeezed out of required course offerings, the highly recommended course offerings, or maybe the offerings altogether. There are too many other pressing subjects. As a result, in some localities, the small businessman will be told that he should incorporate, not have a partnership agreement drawn up, simply because the lawyers do not know anything about agency. This well written book fills a real need by providing the deprived or overbusy student an opportunity to study agency on his own. It could also serve as a review mechanism. The entire book is geared to the second Restatement on the subject. Not much is happening in agency law, so being current is no problem. But, being clear and intelligible can be. Sell is quite successful in this aspect, too.

Dennis J. Owens

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UNIFORM COMMERCIAL CODE IN A NUTSHELL. By Bradford Stone,  
Professor of Law, Detroit College of Law. 1975.  
507 pages.

The author confesses in his preface to the unavoidable sin of nutshell crafters, distortion. Sadly, the distortion is rather turgid in style and confusing in language. For instance, the student is advised to "localize" his information (p. 3). By this, it is meant that one should refer to the applicable statute. A book like this can be of value for directing the student to the relevant sections. But, White and Summers Hornbook on the U.C.C. does this as well and is much more clear, to boot.

Dennis J. Owens

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CASES AND MATERIALS ON DEBTOR-CREDITOR LAW. By W. D.  
Warren, Professor of Law, Stanford University and  
W.E. Hogan, Professor of Law, Cornell University.  
Mineola, N.Y.: Foundation Press. 1974. 872 pages.  
With 1974 Statutory Supplement, 382 pages.

CASES AND MATERIALS ON DEBTOR-CREDITOR LAW. Second Edition.  
By Vern Countryman, Professor of Law, Harvard University.  
Boston: Little, Brown & Co. 1974. 785 pages. With  
1974 Bankruptcy Act Supplement, 162 pages.

Teachers and students in the field of bankruptcy are fortunate. Two very fine casebooks in the field have made their appearance. Countryman has revised his casebook and it is thoroughly up to date. The depth of his learning is awe

inspiring. The scholarship does make for some heavy going, though. Warren and Hogan's, in contrast, is much more practical. While Countryman begins with the 1905 case Harris v. Balk, Warren and Hogan use Swiadach v. Family Finance Corp., a 1969 wage garnishment case (Countryman has it as his second case). The difference is significant as a reflection of their varied approaches. Warren and Hogan probably have the best book on the subject.

Dennis J. Owens

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FEDERAL INCOME TAXATION, CASES AND MATERIALS. Second Edition. By Adrian A. Kragen and John K. McNulty, Professors of Law, University of California, Berkeley. St. Paul: West Publishing Co. 1974. 1107 pages.

There is a plethora of casebooks on taxation. Unfortunately, federal taxation is probably not best taught through cases: it is rooted in a code and a complex of regulations, memoranda, etc. Why not just assign reading of code sections, apply the Socratic method, and lecture on cases and regulations as needed? But, if a casebook is what is required, Kragen and McNulty's is the best. It contains an excellent set of problems and other non-case material. The one aspect of the book to be questioned is its relegation of tax procedure to the final chapter. Much of tax can be mystifying to the student when it is embedded in an unfamiliar procedural context. A teacher could use this chapter near the beginning of the course and wisely so.

Dennis J. Owens

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CASES AND MATERIALS ON THE LAW OF CORPORATIONS. By Harry G. Henn, Professor of Law, Cornell University. 1974. 1279 pages. With Students' Supplement, 266 pages, and Teachers Manual, 617 pages.

Two things about this book struck me immediately. First, although it is of the American Casebook Series, the annoying two-columns-per-page layout is not used. Secondly, Birnbaum v. Newport Steel Corp. is covered in two inches of text (p. 444). Likewise, Perlman v. Feldman is handled in a footnote (p. 1167). A law professor has recently noted that if one understands Perlman, one has a grasp on all of corporations law (8 Univ. Mich. J.L. Reform 1 [1974]). These slightings are analogous to the omission which my property teacher made of Pierson v. Post from our Casner and Leach.

Otherwise, there is a good selection of cases, reflecting the merging of securities statutes' and the common law's many duties. The most attractive feature of Henn's case-

book is his imaginative and useful employment of diagrams (see, e.g., pp. 335, 468, 961) to explain complicated relationships or transactions. Overall, this is probably the most usable casebook available on corporations.

Dennis J. Owens

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CASES AND MATERIALS ON DOMESTIC RELATIONS. By Monrad G. Paulsen, Dean and Professor of Law, University of Virginia, and the late Julius Goebel, Jr. Mineola, N.Y.: Foundation Press. 1974. 988 pages. Also, a 1974 Statutory Materials Supplement (2d ed.), 175 pages. Also, a Selected Cases and Problems Supplement, by Paulsen, 634 pages.

This casebook, by itself, simply does not cover many areas of family life. The day care questions are handled only by the "problems" book. Sterilization and artificial insemination are covered in the statute book, but not the casebook. There is little material on juvenile delinquency. Paulsen's problems book is focused on poverty. In truth, it is a set of cases, not problems, on this additional area. If a teacher is interested in teaching only the areas covered, this casebook is acceptable. It is current. For instance, it considered the matter of retention of her name by the wife upon marriage. Overall, though, Clark's second edition casebook (West, 1974) is the best in the field, mostly because of its astute use of problems.

Dennis J. Owens

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PRINCIPLES OF THE LAW OF PROPERTY, Second Edition. By John E. Cribbet, Dean and Professor of Law, University of Illinois. Mineola, N.Y.: Foundation Press. 1975.

This is one of the University Textbook Series. It is a decent survey of property law. It is brief, and brevity in a field as complex and extensive as property means compromise. The danger is that inaccuracy as well as inadequacy will be produced. Burby's West Publishing hornbook (3rd ed., 1965) is an example of this. That author had a tendency to make his generalizations absolute or too broad. Cribbet is much more careful.

Dennis J. Owens

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ECONOMIC FOUNDATIONS OF PROPERTY LAW. By Bruce A. Ackerman,  
Professor of Law, Yale University. Boston: Little,  
Brown & Co. 1975. 332 pages (soft cover).

Most teaching of property never involves asking the question of whether a rule makes sense. This book does. It is an interesting collection of well-written materials from law reviews and a great variety of other sources--Science magazine, for instance. The insights can be valuable for law student, law professor and practitioner alike. The book's inadequacies are those economic analysis. Once you have pointed out that the giraffe is a ridiculous animal, seemingly designed by a committee, what do you do with that information? If a rule does not make sense, if a process (e.g., zoning) is inefficient, our burden is to propose alternatives. Ackerman does for some problems, but not for all.

Dennis J. Owens

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FUNDAMENTALS OF MODERN REAL PROPERTY LAW. By Edward H. Rabin, Professor of Law, University of California, Davis. Mineola, N.Y.: Foundation Press. 1974. 1177 pages.

Casner and Leach's work was a milestone in the history of legal education. Their casebook embodied the merging of many aspects of real property law into a first year survey course. It is the most widely used casebook in the country. Rabin's casebook will probably replace it. Barton Leach is dead and James Casner is sixty-eight years old. The first edition of their cases and text on property was published in 1950, the second in 1969. To use the latter, a teacher and students must juggle the supplement as well as the casebook. Property law does not move at breakneck speed, but neither does it stand still. Unless the second edition is updated, it will be discarded by one teacher after another. To those looking for an alternative, the Rabin casebook is recommended.

Rabin has organized his selection of cases (most of which are post-1970) according to problems. Each area handled is covered in depth. A principal problem is given, then a series of cases from which the student is to derive the answer. Less material is covered and fewer skills taught here than in Casner and Leach. There are 65 problems in Rabin compared with over 340 in Casner and Leach. The property teacher must ask himself how many skills need I teach?

Dennis J. Owens

AN INTRODUCTION TO AMERICAN LAND LAW, CASES AND MATERIAL.  
By George Lefcoe, Professor of Law, U.S.C. 678 pages.

LAND DEVELOPMENT LAW, CASES AND MATERIALS, Second Edition.  
By George Lefcoe. 1171 pages.

These two titles combined in AMERICAN LAND LAW, CASES AND MATERIALS. By George Lefcoe. Indianapolis: Bobbs-Merrill Co. All 1974. Combined for 1849 pages.

The first of these books concerns estates in land and landlord-tenant. The second concerns real estate transactions and land use law. This unit covers neither subject as well as the more specialized casebooks. Lefcoe's approach throughout (especially important in the first year course Introduction casebook) is an old fashioned rule-learning method. Casner and Leach, and now Rabin, have gone beyond this to attempt "to make lawyers." By this is meant thinking like a lawyer in approaching a legal problem. Recitation of rules is inadequate because law practice is application and application can be difficult. If a school carefully trained its students in a clinical program of real property practice, the Lefcoe approach would be adequate. But, no school I know of does.

Dennis J. Owens

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LAW AND PUBLIC EDUCATION, CASES AND MATERIALS. By Stephen R. Goldstein, Professor of Law, University of Pennsylvania. Indianapolis: Bobbs-Merrill Co. 1974. 944 pages.

This is a "practical" casebook: it is concerned with the "nuts and bolts" of the legal aspects of administering public schools. True to its title, it is not concerned with the state regulation of private education. It does contain some historical materials and cases, such as those on the compulsory attendance question. This is an adequate book for a course in the subject. If one wants a greater stress on constitutional law in education, Kirp and Yodof's Public Policy and Law is recommended.

Dennis J. Owens

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CASES AND MATERIALS ON ENVIRONMENTAL LAW AND POLICY. By Eva Hanks, Professor of Law. Rutgers; A. Dan Tarlock, Professor of Law, Indiana University; and John L. Hanks, Assistant Professor of Law, Rutgers. St. Paul: West



Publishing Co. 1974. 1242 pages.

The best thing about this casebook is that it is new and current. It does contain the full text of some laws and other valuable material. This is important because of the significant statutory developments advancing beyond the common law. Overall, though, the assessment is not extremely high. It is weak on the history of public pollution control. It is not well edited. The authors seem to pride themselves on devoting 59 pages to one trial court decision. At that rate, 1,242 pages comes easily. The biggest problem is that the book is very disjointed. A teacher using this book will find it difficult to work with. If you can bear to forego the case method, you should investigate Golgin and Guilbert's textbook.

Dennis J. Owens

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FEDERAL ENVIRONMENTAL LAW. Edited by Erica L. Dolgin and Thomas G. P. Guilbert of the Environmental Law Institute. St. Paul: West Publishing. 1974. 1600 pages.

This is an excellent, comprehensive collection of essays on the subject. They are well written by knowledgeable parties. The organization is by topic (not chapters), a most sensible approach with complex material. There is some overlap, of course, but this due to the nature of the material. The book is well suited for either reading or reference. It is completely up to date. Its weakness is that it has no index or table of cases. One must do with 35 pages of table of contents as a substitute. This volume is highly recommended.

Dennis J. Owens

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LABOR RELATIONS LAW IN THE PUBLIC SECTOR, CASES AND MATERIALS. By Russell A. Smith, Harry T. Edwards, Professors of Law, University of Michigan; and R. Theodore Clark, Jr. Indianapolis: Bobbs-Merrill Co. 1974. 1222 pages. With a Statutory Supplement of 155 pages.

Labor law has had its most significant recent growth in the area of the unionization of government employees. Government is in a quandry: it encourages unions and union membership in the private sector. Yet, it views its own services as "essential" as thus not to be disrupted by strikes.

If a law school were to offer advanced courses in labor law, it would probably have classes on arbitration, civil rights legislation, workmen's compensation law and public

sector labor law. This is the preeminent book for a course in this last area. It is very current and the statutory "appendix" is very valuable. Few teachers, though, probably use all the material in this massive casebook. Selectivity is an editor's virtue.

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AN INTRODUCTION TO ESTATE PLANNING. By Robert J. Lynn,  
Professor of Law, Ohio State University. St. Paul:  
West Publishing Co. 1975. 274 pages.

You know that a textbook of only two hundred seventy four pages (pages only six inches by nine inches, too) will be inadequate, lacking in depth, and providing no new thoughts. It may be that Estate Planning requires a great deal more consideration in order that an intelligent, comprehensive treatment be produced. A. James Casner provided us with a thorough job. But his work seems a bit old fashioned since the publication of Thomas Shaffer's The Planning and Drafting of Wills and Trusts (Foundation Press, 1972). Lynn breaks no new ground as that book did, but few do. Anyway, that was not his purpose. He was seeking to write a small hornbook on a large complex area. The results were predictable.

Dennis J. Owens

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FEDERAL ESTATE AND GIFT TAXATION IN A NUTSHELL. By John K. McNulty, Professor of Law, University of California, Berkeley. St. Paul: West Publishing Co. 1973. 343 pages (soft cover).

FEDERAL ESTATE AND GIFT TAXES, Third Edition. By the late C.L.B. Lowndes, Robert Kramer, Dean and Professor of Law, George Washington University, and John H. McCord, Professor of Law, University of Illinois. St. Paul: West Publishing Co. 1974. 1097 pages.

McNulty's book is an unpretentious introduction for law students. It is well written and adequate in its treatment of the subject. The big hornbook by Lowndes, Kramer and McCord is much more ambitious and fully successful. The writing tends to be a bit heavy, formal, and obtuse. But it is comprehensive and up to date. (Its treatment of the famous Helvering case is a classic and worth the price of the volume.) These books are recommended.

Dennis J. Owens

